

ASSEMBLY BILL

No. 569

Introduced by Assembly Member Garcia

February 16, 2005

An act to add Section 49437 to the Education Code, relating to pupil nutrition.

LEGISLATIVE COUNSEL'S DIGEST

AB 569, as introduced, Garcia. Pupil nutrition: food service.

Existing law requires that the sale of all foods on school grounds at an elementary school be approved for compliance with specified nutrition standards.

This bill, commencing on January 1, 2007, would require a school district that elects to contract with a commercial food vendor to prepare or provide food for sale to pupils on a school campus to make information available on the nutritional content of all food items sold. The bill would require a commercial food vendor to display a standard label on prepackaged and prepared items which provides the nutritional information of that item pursuant to the federal Nutrition Labeling and Education Act of 1990, to post the nutritional information in a conspicuous manner on a wall in public view, or to provide the nutritional information in printed form upon request. The bill would authorize a school district to revoke a contract for food service entered into between a school district and a commercial food vendor after January 1, 2007, if the commercial food vendor fails to provide the nutritional information, as specified. The bill would prohibit a school district that elects to contract with a commercial food vendor from entering into a contract with the vendor, unless the vendor agrees to provide the nutritional information required by the

bill. The bill would not apply to a food vendor that provides meal service pursuant to a state or federal funded meal program.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 49437 is added to the Education Code,
2 to read:

3 49437. (a) (1) Commencing on January 1, 2007, a school
4 district that elects to renew or enter into any contract with a
5 commercial food vendor to prepare or provide food for sale to
6 pupils on a school campus shall make information available on
7 the nutritional content of all food items sold.

8 (2) (A) A commercial food vendor that prepares or provides
9 food for sale to pupils on a school campus shall do one of the
10 following:

11 (i) Clearly display on prepackaged and prepared food items a
12 standard label that provides nutritional information.

13 (ii) Post the nutritional information in printed form on a wall in
14 a public area and in a conspicuous manner adjacent to where the
15 order is placed.

16 (iii) Provide the nutritional information in printed form upon
17 request.

18 (B) Information required by this paragraph shall comply with
19 applicable provisions of the federal Nutritional Labeling and
20 Education Act of 1990 (P.L. 101-535).

21 (3) Paragraph (2) does not apply to a commercial food vendor
22 who supplies a direct seller with the proper nutritional
23 information materials to comply with the requirements of this
24 subdivision.

25 (b) A contract for food service entered into between a school
26 district and a commercial food vendor after January 1, 2007, may
27 be revoked by the school district if the commercial food vendor
28 fails to provide the nutritional information required by
29 subdivision (a). Prior to revoking the contract, the school district
30 shall first notify the vendor in writing of the violation and shall
31 give the vendor 30 days to provide the required information.

32 (c) A school district that elects to contract with a commercial
33 food vendor for the sale of prepared food to pupils may not enter

- 1 into a contract with a vendor, unless the vendor agrees to provide
- 2 the nutritional information specified in subdivision (a).
- 3 (d) This section does not apply to a food vendor that provides
- 4 meal service pursuant to a state or federal funded meal program.